

**COMPREHENSIVE EXEMPTION LIST
FOR THE DIVISION OF FORESTRY AND WILDLIFE
AS CONCURRED BY THE
ENVIRONMENTAL COUNCIL, STATE OF HAWAII
March 22, 2000**

Pursuant to Section 11-200-8(b), Hawaii Administrative Rules, the following types of action shall generally be exempt by the Division of Forestry and Wildlife, State of Hawaii Department of Land and Natural Resources, from requirements to prepare an environmental assessment.

EXEMPTION CLASS # 1: Operations, repairs or maintenance of existing facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existed.

- (1) Trail maintenance on DOFAW Program areas¹, using hand tools and small motorized equipment such as chain saws and weed eaters ; involves clearing spaces 4 feet wide and 10 feet high from grade on existing trails.
- (2) Repair and maintenance of existing roads (paved, unpaved, dirt, cinder and gravel), concrete fords, cattle guards, gates and wash-out ditches in DOFAW program areas; involves grading, patching, and resurfacing roads; removing encroaching vegetation; and cleaning or repairing ditches, fords and culverts by hand.
- (3) Repair and maintenance of existing DOFAW program area fences; includes boundary, enclosure, and exclosure fences, wildlife water units, checking stations, water pumps, nesting areas, aviaries and yards.
- (4) Repair and maintenance of existing signs in DOFAW program areas; includes fire prevention, instructional, regulatory, enforcement, safety, boundary, location, and toxicant or plant and animal control signs.
- (5) Repair and maintenance of existing cabins, resident workers' quarters, warehouse workshops, mobile camping structures, weather stations, checking stations (single room structures with porches or small boxes on legs) for hunters, hikers, and campers; meat safes, viewing kiosks and platforms, wildlife observation towers, sanitary facilities, trail shelters, equipment shelters, fire equipment caches, plant nurseries, captive propagation facility buildings, established arboretum areas, baseyards and biological survey transect lines.
- (6) Repair and maintenance of existing covered and open fences areas for endangered species (waterfowl, waterbirds, forest birds), game birds and mammals (pheasants, quail, partridges, pigs, sheep, goats, deer); auxiliary buildings for food storage, equipment storage, incubators and brooders; open-top breeding and release pens, field aviaries and hacking boxes.
- (7) Repair and maintenance of existing water tanks, pipelines, water catchment basins (capacity of 300-10,000 gallons), wildlife water units, pumps and controls, pipes and channels; fences, dikes and moats in waterbird sanctuaries for the purposes of maintaining water levels, providing water and precluding predators.
- (8) Weed, brush and noxious tree control using hand tools, small motorized equipment

¹DOFAW Program Areas include forest and natural area reserves, game management and wilderness areas, plant and wildlife sanctuaries, Na Ala Hele, forest stewardship and natural area partnership projects.

(chainsaws and weed eaters), and approved herbicides on DOFAW program areas, campsites, picnic grounds, viewpoints, baseyards, wildlife water units, trails, captive propagation facilities, arboreta, plant nurseries, checking stations, and public use facilities.

- (9) Routine pruning, trimming, and thinning of trees excluding commercial logging.
- (10) Gathering minor forest products for non-commercial purposes.
- (11) Gathering plant seed for propagation, commercial and non-commercial.
- (12) Cultivating, fertilizing, mowing, and harvesting wildlife food plots.
- (13) Routine operation, repair and maintenance of existing DOFAW program facilities, arboreta, baseyards and captive propagation facilities.
- (14) Maintenance of previously established game habitat improvement sites and lawn areas with mechanized equipment.

EXEMPTION CLASS # 2: Replacement or reconstruction of existing structures facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, height, and dimensions as the structure being replaced.

- (1) Replacement of existing signs in DOFAW program areas; includes fire prevention, instructional, regulatory, enforcement, safety, boundary, location, and toxicant or plant and animal control signs.
- (2) Repair and maintenance of existing cabins, resident workers' quarters, warehouse workshops, mobile camping structures, weather stations, checking stations (single room structures with porches or small boxes on legs) for hunters, hikers, and campers; meat safes, viewing kiosks and platforms, wildlife observation towers, sanitary facilities, trail shelters, equipment shelters, fire equipment caches, established arboretum areas, plant nursery operations, and captive propagation facility buildings.
- (3) Replacement of covered or open fenced areas for endangered species (waterfowl, waterbirds, forest birds), game birds and mammals (pheasants, quail, partridges, pigs, sheep, goats, deer, etc.); auxiliary buildings for food storage, equipment storage, incubators and brooders; open-top breeding and release pens, field aviaries and hacking boxes.
- (4) Replacement of existing water tanks, pipelines, water catchment basins (capacity 300-10,000 gallons), wildlife water units, pumps and controls, pipes and channels; fences, dikes and moats in waterbird sanctuaries for purposes of maintaining water levels, providing water and precluding predators.
- (5) Replacement of existing roads (paved, unpaved, dirt, cinder and gravel), concrete fords, cattle guards, gates, wash-out ditches and biological survey transect lines in DOFAW program areas.
- (6) Re-vegetate burned areas to encourage the succession of selected plant species to prevent soil erosion and promote the goals of the Division.

EXEMPTION CLASS # 3: Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small equipment and facilities and the alteration and modification of same including but not limited to: (a) single family residences not in conjunction with the building of two or more such units; (b) multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more structures; (c) stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; and (d) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and accessory or appurtenant structures including garages, carports, patios, swimming pools and fences.

- (1) Fences to include areas no greater than 10 acres around individual or small colonies of rare, threatened or endangered plants, covered and open areas for endangered species (waterfowl, waterbirds, forest birds), game birds and mammals (pheasants, quail, partridges, pigs, sheep, goats, deer); auxiliary buildings for food storage, equipment storage, incubators and brooders; open-top breeding and release pens, field aviaries and hacking boxes.
- (2) Cabins, resident workers' quarters, warehouse workshops, mobile camping structures, weather stations, checking stations (single room structures with porches or small boxes on legs) for hunters, hikers, and campers; meat safes, viewing kiosks and platforms, wildlife viewing towers, sanitary facilities, trail shelters, equipment shelters, fire equipment caches, arboreta, and plant nurseries.
- (3) Fencing to include areas no greater than one acre for ecosystem management research.

EXEMPTION CLASS # 4: Minor alteration in the conditions of land, water, or vegetation.

- (1) Establishment of helispots for fire control and rescue.
- (2) Clearing of fuel breaks on grass and brush on DOFAW program areas necessary to protect enclosures, exclosures, facilities, and colonies of rare threatened and endangered plants or animals where a thorough biological survey has determined that the species will not be adversely impacted by such clearing. The definition of a fuel break is the reduction of ground fuel without significant modification of the soil.
- (3) Minor alterations to existing wildlife or plant sanctuaries, including construction of pumps and controls, pipes and channels, and dikes and moats for the purposes of maintaining water levels, providing constant water supplies, and precluding predators. Also includes minor alterations to biological transects, camp sites, fertilizing and mowing, maintaining nene pastures, weed control, outplanting native plants, transplanting, clearing mist net lines and trap sites.
- (4) Construction of reservoirs of 0.1 acres or less to collect runoff for wildlife or to redistribute water for water units or plantings if done at sites where non-native vegetative cover constitutes greater than 75% of the area.
- (5) Controlled burning of vegetation less than five (5) acres in size to improve wildlife habitat where non-native vegetative cover constitutes greater than 75% of the area.
- (6) Mowing non-native vegetation where dense, mature stands form impenetrable cover.
- (7) Establish temporary or permanent vegetative cover including trees, shrubs and grasses for landscaping, reforestation, soil stabilization, and wildlife habitat provided, however, that this exemption shall not apply to tree plantings for which harvesting is planned or is reasonably foreseeable.

EXEMPTION CLASS # 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

- (1) Implanting transponders and affixing transmitters and/or markers (bands, collars, ear tags) to birds and mammals to record movement, longevity; taking disease and blood samples; placing remote monitoring devices (to determine animal movement), cameras, equipment and feeders; removal of non-native avian competitors, predator control (including placement of approved toxic baits, kill traps, live traps, snares) and using approved herbicides.
- (2) Game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling, collection and captive propagation (involves walking, driving, and flying in the field (helicopters, light aircraft), use of nets and firearms, temporary traps including snares, mist nets, corral traps, drop door traps or leg hold traps.
- (3) Releases and recoveries of wildlife. On approved releases of game and non-game wildlife (after EA or EIS preparation and acceptance), actual release of animals and follow-up surveys, translocation within the range, or rearing in captivity and releasing to the wild.
- (4) Captive propagation of birds or mammals. Housing, care, feeding, veterinarian examination, breeding (pairing, hatching, brooding, fledgling, rearing), cross fostering, double clutching nests, experimental studies of native species (including those which are rare, threatened, or endangered), game birds and game mammals; may involve hybridization of game birds or mammals.
- (5) Wildlife management actions including predator control, insect control, snail control, non-native bird control, controlled grazing or burning as a management tool and use of toxicants or herbicides. All use of chemicals follow label instructions or restrictions.

EXEMPTION CLASS # 6: Construction or placement of minor structures accessory to existing facilities.

- (1) Fencing around minor facilities such as game water units, checking stations, animal pens, water pumps, aviaries, fire caches, and plant enclosures.
- (2) Driveways.
- (3) Exterior lights in already developed areas for security and safety purposes.
- (4) Water tanks with less than 10,000-gallon capacity.
- (5) Water catchments, lines, and faucets adjacent to hunter checking stations for "domestic", public use or game water units.